

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SONY MUSIC ENTERTAINMENT, *et al.*,
Plaintiffs,

v.

COX COMMUNICATIONS, INC, *et al.*,
Defendants.

Civil No. 1:18-cv-950 (LO / JFA)

MOTION TO SEAL

Pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Civil Rule 5(C), Defendants Cox Communications, Inc. and CoxCom, LLC (“Cox”) file this motion to seal portions of Cox’s Memorandum Of Law In Support Of Its Motion For Relief From the Judgment Under Rule 60(B)(3) And Request For Indicative Ruling Under Rule 62.1 (“Cox’s Memorandum of Law”), and Exhibits 2, 3, 4, 5, 8, 9, 11, 16, and 29 thereto (“Sealed Material”) (ECF Nos. 739 and 739-1 through 739-9). The Sealed Material was designated Confidential and Highly Confidential – Attorneys’ Eyes Only under the Stipulated Protective Order in this case (ECF No. 58) (the “Protective Order”).

Exhibits 2, 3, 4, 5, 8, and 9 are documents that are currently subject to sealing orders issued in this case. Cox’s Memorandum of Law quotes sealed material from these documents. The chart below lists the designating parties for each document and relevant sealing order.

Ex. No.	Document	Designating Parties	Sealing Order
2	Plaintiffs’ Motion for Summary Judgment, filed under seal at ECF 325	Cox	ECF 515

Ex. No.	Document	Designating Parties	Sealing Order
3	Cox's Motion <i>In Limine</i> No. 5 to Exclude Plaintiffs' Exhibit Number 39, filed under seal at ECF 489	Plaintiffs, Cox	ECF 607
4	Declaration of Sam Bahun in support of Plaintiffs' Opposition to Cox's Motions <i>In Limine</i> , filed under seal at ECF 538-1	MarkMonitor	ECF 607
5	Plaintiffs' Omnibus Memorandum in Opposition to Cox's Motions <i>In Limine</i> Numbers 1-10, filed under seal at ECF 538	Plaintiffs, MarkMonitor, Cox	ECF 607
8	Defendants' Memorandum of Law in Support of Their Motion for Discovery Sanctions and to Preclude Plaintiffs' Use of MarkMonitor Evidence, filed under seal at ECF 239	Plaintiffs, MarkMonitor, Audible Magic, Cox	ECF 279
9	Plaintiffs' Memorandum in Opposition to Defendants' Motion for Discovery Sanctions and to Preclude Plaintiffs' Use of MarkMonitor Evidence, filed under seal at ECF 352	Plaintiffs, RIAA, Cox	ECF 518
11	Cox's Memorandum of Law in Support of Its Motion <i>In Limine</i> No. 6 to Exclude Certain MarkMonitor Evidence, filed under seal at ECF 492	Plaintiffs, RIAA, MarkMonitor, Audible Magic, Cox	ECF 607

Exhibit 16 is a document produced in this case bearing Bates number MM000131 that has been designated CONFIDENTIAL under the Protective Order by third-party MarkMonitor, Inc. ("MarkMonitor").

Exhibit 29 is a document produced in this case bearing Bates number Plaintiffs_00286272 that has been designated CONFIDENTIAL under the Protective Order by Plaintiffs.

Cox takes no position on whether Exhibit 16 and Exhibit 29 are confidential. Rather, Cox moves to seal these documents based on Plaintiffs' and MarkMonitor's respective designations. Thus, Local Civil Rule 5(C) provides that "[w]hen a party moves to file material under seal because another party has designated that material as confidential, the party designating the material as confidential must file a response to the motion," which includes:

1. "A statement why sealing is necessary, and why another procedure will not suffice, as well as appropriate evidentiary support for the sealing request." L. Civ. R. 5(C)(2).
2. "References to the governing case law, an analysis of the appropriate standard to be applied for that specific filing, and a description of how that standard has been satisfied." L. Civ. R. 5(C)(3).
3. "Unless permanent sealing is sought, a statement as to the period of time the party seeks to have the matter maintained under seal and how the matter is to be handled upon unsealing." L. Civ. R. 5(C)(4).
4. A proposed order.

Dated: December 27, 2021

Respectfully submitted,

s/ Thomas M. Buchanan

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users.

s/ Thomas M. Buchanan
Thomas M. Buchanan